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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,523	03/29/2001	Simon Wilson	915-386	9907

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EXAMINER

DINH, TUAN T

ART UNIT PAPER NUMBER

2827

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,523

Applicant(s)

WILSON, SIMON

Examiner

Tuan T Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 20-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election with traverse of Group I (claims 1-19) in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the searches for Group I and II would be co-extensive. This is not found persuasive because the method claims (20-28) would be classified in a different class than claims 1-19.

The requirement is still deemed proper and is therefore made FINAL. Claims 20-28 are withdrawn from further consideration as being drawn to non-elected subject matter. A new claim 29, which is depends on claim 1, is not consider because it sets forth a method for manufacturing a portable electronic apparatus; therefore, the new claim is request to withdrawn from further consideration as being drawn to non-elected subject matter.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "user interface assembly, claims 7 and 17, line 1" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1 and 10 are objected to because of the following informalities:

Claims 1 and 10-11, line 1, change "a cover" to --a frame--.

Claim 11, line 1, after "claim 10, insert --wherein said cover further--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-7 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5-6 and 15-16, lines 1-2, it is unclear. The phrase of "...including a manually operable electronic input device" is not understood.

Which are ones (the cover, aperture or display) including a "manually operable electronic input device?"

Regarding claims 7 and 17, it is unclear. Does applicant meant "a user interface assembly, which is an assembly as described in claim 1?"

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-12, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Roshitsh et al. (U. S. Patent 5,241,695).

As to claims 1-2 and 8-9, Roshitsh discloses a portable radio device (300-figure 3, column 4, lines 50-51) as shown in figures 1-3 including a cover (104-figure 1) and an assembly (102-figure 1) including substantially all of the apparatus's circuitry (108, 112, column 2, lines 23-25), wherein the cover is a one-piece moulding from a polymer material (column 2, lines 9-10) and said assembly (102) is embedded (column 3, lines 4-5) within the cover (104).

As to claims 10, 12, and 18-19, Roshitsh discloses a portable radio device as shown in figures 1-3 comprising a one-piece cover being moulded from a polymer material (104, column 2, lines 9-10).

As to claims 4 and 14, Roshitsh discloses a portable radio device (300) as shown in figures 1-3 wherein the cover (104) has an aperture (116, column 2, lines 53-54) revealing a display (304).

As best understood to claims 5-6 and 15-16, Roshitsh discloses a portable radio device as shown in figures 1-3 **wherein said assembly further** including a manually operable electronic input device (118 of a key pad 302-figure 3), wherein said input device is located within said aperture in said cover.

As best understood to claims 7 and 17, Roshitsh discloses a portable radio device as shown in figures 1-3 **wherein said assembly further** including a user interface assembly, comprising a window and the keys of a keypad, and a printed circuit board, having electronic components including a display device mounted thereto, wherein the user interface assembly is glued to the printed circuit board such that the window is aligned with the display device and the whole is substantially embedded within the cover.

As to claim 11, Roshitsh discloses a portable radio device as shown in figures 1-3 wherein said cover (104) further including a circuit (124-figure 1) within the cover and an electrical contact (118-figure 1) within the material of the cover for connecting said circuit to an external circuit.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roshitsh et al. (U. S. Patent 5,241,695) in view of Matsuki et al. (U. S. Patent 5,474,841).

Roshitsh does not disclose said polymer material is a self-skinning foam polymer material. Matsuki shows an interior cellular particle (11) having a skinning foam

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material (8, 12-figure 2) and best shown in figures 5 and 8 (22, 23-figure 5, and 31, 32-figure 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use said polymer material is a self-skinning foam polymer material as taught by Matsuki to employ the cover of Roshitsh in order to provide a shock absorbing and more excellent cushioning properties is given.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tetsuo, Patterson et al., Matsuki et al., Moster et al., and Krauss disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
May 28, 2002

KAMAND CUNEO
PRIMARY EXAMINER

